

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

11 DURRELL A. BROWN,) No. ED CV 09-1821-GHK (PLA)
12 Petitioner,)
13 v.) **ORDER ADOPTING MAGISTRATE
14 JUDGE'S REPORT AND
15 RECOMMENDATION**
16 M.D. McDONALD, Warden, et al.,)
17 Respondents.)

Pursuant to 28 U.S.C. § 636, the Court has reviewed the entire file de novo, including the magistrate judge's report and recommendation filed herein and petitioner's objections. The Court agrees with the recommendations of the magistrate judge.

ACCORDINGLY, IT IS ORDERED:

1. The report and recommendation is adopted.
 2. Respondent's Motion to Dismiss is granted.
 3. Judgment shall be entered consistent with this order.
 4. The clerk shall serve this order and the judgment on all counsel or parties of record.

DATED: February 2, 2010

**HONORABLE GEORGE H. KING
UNITED STATES DISTRICT JUDGE**